

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	ACTION NO. 4:20-CR-269-Y
	§	
ERIC PRESCOTT KAY (1)	§	

AMENDED ORDER GRANTING SECOND MOTION TO CONTINUE<sup>1</sup>

Pending before the Court is Defendant's Second Opposed Motion to Continue Trial and Extend Pretrial Deadlines (doc. 74). The government filed a response in opposition to the motion. Nevertheless, after review of these documents and the record in this case, specifically, the fact that the government superseded the indictment six days prior to trial adding an additional drug that is allegedly part of the conspiracy charged, the Court concludes, under 18 U.S.C. § 3161(h)(7)(B)(iv), that a failure to grant the requested continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. As a result, the Court further concludes, under 18 U.S.C. § 3161(h)(7)(A), that the ends of justice served by granting the requested continuance outweigh the best interests of the public and

---

<sup>1</sup>This order amends the bolded dates only in the prior order granting Defendant's motion to continue. Defendant's counsel failed in that motion to include the government's dates of unavailability in the ensuing ninety days, as required by paragraph seven of the original scheduling order issued in this case. The Court has been informed that the government's lead counsel was scheduled to be out of the country on or about January 24, 2022, and as a result both parties and the Court agreed to change the continued trial date to February 8, as reflected herein.

the defendant in a speedy trial.

Therefore, Defendant's Second Opposed Motion for Continuance is GRANTED. The trial of this cause is CONTINUED until **10:00 a.m.** on **Tuesday, February 8, 2022**. The pretrial conference is CONTINUED until **3:00 p.m.** on **Thursday, February 3, 2022**.

It is further ORDERED that the scheduling order previously issued in this cause is hereby MODIFIED as follows:

- (1) the deadline for filing witness and exhibit lists is EXTENDED until **February 1**; and
- (2) the deadline for exchanging exhibit notebooks is EXTENDED until **February 3**.

SIGNED November 9, 2021.

  
TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE